

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION # 03CV30298-MAP

JAMES TULGAN,  
Plaintiff

v.

BERKSHIRE ARMORED CAR SERVICES  
CO., INC. PROFIT SHARING PLAN,  
BERKSHIRE ARMORED CAR SERVICES  
CO., INC., GERARD S. REDER and  
JACQUELINE POWERS  
Defendants

PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT ON  
COUNTERCLAIMS OF THE  
DEFENDANTS

FILED  
DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
JAN 28 2005

The plaintiff moves the Court to enter summary judgment in his favor on all the counterclaims of the defendants for the reasons stated in the attached memorandum. All the relevant facts, with supporting material, are included in the Plaintiff's Statement of Uncontroverted Facts which is attached to the memorandum as Exhibit A. The affidavit of the plaintiff is attached to the memorandum as Exhibit B.

The Plaintiff,  
By his Attorney,



Robert L. Leonard, Esquire  
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& Murphy, P.C.  
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CERTIFICATE OF SERVICE

I, Robert L. Leonard, Esq., hereby certify that on January 28, 2005, I served a copy of the foregoing on the parties to the case by mailing a copy of same to:

Jack E. Houghton, Jr., Esq.  
78 Bartlett Avenue  
Pittsfield, MA 01201

A handwritten signature in black ink, appearing to read "Robert L. Leonard", written over a horizontal line.

Robert L. Leonard, Esq.